W.P. No. 488 of 2004 (S/S)
In
Restoration App. 1269 /07
Delay Cond. App. 2884 /07

Hon. P.C.Pant, J.

Learned counsel for the parties are present.

This is Application No. 2884 of 2007, for condonation of delay in moving the Application M.C.C. No. 1269 of 2007, filed for restoration of Writ Petition No. 488 (S/S) of 2004, which was dismissed in default on 07.11.2006.

Heard.

The delay in filing the restoration application is sufficiently explained in the affidavit accompanying the application. Therefore, the application for condonation of delay is allowed. The delay is condoned.

Also, Restoration Application No. 1269 of 2007 is allowed.

Also, heard on the writ petition.

The prayer made in the writ petition is for regularization of petitioner's services in Group 'D' post with the Forest Department. Admittedly, petitioner was engaged on daily wages in Churani Range of Soil conservation Forest Division, Kalsi, Forest Department of Uttarakhand, since 1st May 2003.

In view of principle of law laid down in ***Secretary State of Karnataka and other Vs. Uma Devi and others; 2006 (4) Supreme Court Cases Pg. 01,*** this Court cannot direct the respondents to regularize the services of an employee, who is not inducted through selection process as envisaged in rules against the Constitutional scheme.

The writ petition is dismissed, accordingly.

(P.C.P., J.)
01.10.2007

HN